

IN THE SENATE OF THE UNITED STATES.

APRIL 13, 1880.—Ordered to be printed.

Mr. BURNSIDE, from the Committee on Military Affairs, submitted the following

REPORT:

The Committee on Military Affairs, to whom was referred the petition of George W. Graham, praying for the passage of a law granting him pay as second lieutenant from May 12, 1863, to November 1, 1863, and as captain from November 1, 1863, to September 1, 1864, have had the same under consideration, and beg leave to submit the following report:

Your committee see no valid reason for granting the prayer of the petition.

It appears that the petitioner while a sergeant in the First Tennessee Volunteers was detailed and authorized to recruit a company for the Eighth Tennessee Volunteers, with a view of appointment as captain in said regiment. He remained on recruiting service until July 1, 1864. Not succeeding in recruiting the company, he returned to his regiment and was mustered out on the 17th September, 1864. The Adjutant-General in writing on this subject says:

Services rendered in recruiting, to secure recognition as an officer, have not and cannot be viewed * * * as warranting pay in advance of the date the company was completed by a muster-in.

This decision is proper, in view of General Orders No. 61, August 19, 1861, which says:

When one-half a company has been mustered into service, the first lieutenant thereof can also be mustered in, and when the organization of the company is completed, the captain and second lieutenant can be so mustered.

Your committee, therefore, recommend that the prayer of the petitioner be denied, and ask to be discharged from its further consideration.

